

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	RECORD OF PRELIMINARY HEARING (DELINQUENCY PROCEEDINGS) PAGE 1	CASE NO. PETITION NO.
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Court address

Court telephone no.

1. In the matter of
(name(s), alias(es), DOB)

2. Date	3. Name	<input type="checkbox"/> Judge <input type="checkbox"/> Referee
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PARTIES PRESENT

4. Parent(s)	8. Attorney
5. Stepparent/Guardian/Legal custodian	9. Guardian ad litem
6. Juvenile	10. Other
7. Petitioner	11. Other

PROCEDURE/ADVICE OF RIGHTS (on reverse)**SUMMARY** of findings and recommendations (summarize testimony if taken)

- ☐ 12. The juvenile is being detained, is represented by an attorney, and waived the probable cause determination.
13. There ☐ is ☐ is not probable cause to believe the juvenile committed the offense(s).
- ☐ 14. The juvenile is charged with an offense that requires fingerprinting and has not been fingerprinted.
- ☐ 15. ☐ a. The offense alleged is so serious that release would endanger public safety.
- ☐ b. The juvenile is charged with a felony offense and will likely commit another offense pending trial if released, and
- ☐ another petition is pending against the juvenile. ☐ the juvenile is on probation.
- ☐ the juvenile has a prior adjudication but was not under the court's jurisdiction at the time of apprehension.
- ☐ c. There is substantial likelihood that if the juvenile is released to the parent, guardian, or legal custodian (with or without conditions), the juvenile will fail to appear at the next court proceeding.
- ☐ d. The home conditions of the juvenile make detention necessary.
- ☐ e. The juvenile has run away from home.
- ☐ f. The juvenile has failed to remain in a detention facility or nonsecure facility or placement (in violation of valid court order).
- ☐ g. Pretrial detention is otherwise specifically authorized by law.
- ☐ h. The juvenile is alleged to have violated a personal protection order and it appears there is a substantial likelihood of retaliation or continued violation.
- ☐ 16. The juvenile is a member of or eligible for membership in an American Indian tribe or band, named _____ (complete and mail Form JC 48). Findings have been made on the record.
- ☐ 17. Continuation of residence in the home would be contrary to the welfare, or placement would be in the best interest, of the juvenile because _____
- ☐ 18. Based on
- ☐ the following findings (attach list if more space is needed)
- ☐ the report _____ dated _____
- Identify type of report
- ☐ testimony of _____ backed up by written transcript
- Name
- reasonable efforts ☐ were ☐ were not made prior to the placement of the juvenile in foster or other out-of-home care, to prevent or eliminate the need for removing the juvenile from his/her home.

(SEE SECOND PAGE)

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In the matter of

PRELIMINARY DISPOSITION (Fill out completely)		
IT IS RECOMMENDED/ORDERED:		
<input type="checkbox"/> 19. The petition is <input type="checkbox"/> authorized for filing. <input type="checkbox"/> not authorized for filing and is <input type="checkbox"/> placed on the consent calendar. <input type="checkbox"/> referred to alternate services. <input type="checkbox"/> dismissed.		
<input type="checkbox"/> 20. The juvenile is released to _____ under the terms and conditions in item 24.		
<input type="checkbox"/> 21. The juvenile is temporarily placed with/detained at _____ <input type="checkbox"/> Bond is set at \$ _____		
<input type="checkbox"/> 22. The juvenile shall be fingerprinted in accordance with the Order for Fingerprints (form MC 233).		
<input type="checkbox"/> 23. The preliminary hearing is adjourned to _____ <div style="text-align: center;">Date, time, and location</div>		
<input type="checkbox"/> 24. Other:		
Date	Judge/Referee	Bar no.

CHECKLIST FOR ADVICE OF RIGHTS AND GENERAL PROCEDURE FOR PRELIMINARY HEARING

1. ☐ Determine whether parent, guardian, or legal custodian has been notified and is present and if not, whether guardian ad litem or attorney is present.
2. ☐ Read allegations in the petition and explain nature of proceedings.
3. ☐ Determine whether the petition should be dismissed, whether the matter should be referred to alternate services or heard on the consent calendar, or whether the preliminary hearing shall continue. If the hearing continues:
 - a. ☐ Advise juvenile of right to an attorney.
 - b. ☐ Advise juvenile of right to trial by a judge or jury and that a referee may be assigned to hear the case unless demand for a judge or jury is timely filed with the court.
 - c. ☐ Advise juvenile of privilege against self incrimination, and that any statement by juvenile may be used against the juvenile.
 - d. ☐ As appropriate, inquire if the juvenile or a parent is a member of any American Indian tribe or band, and if so, determine the identity of the tribe or band and follow procedures in MCR 3.980 (required for charges under MCL 712A.2(a)(2)-(4), (d)).
4. ☐ Allow juvenile an opportunity to deny or otherwise plead to allegations.
5. ☐ If the hearing is held by a referee, advise juvenile of the right to file a request for review of the referee's recommended findings and conclusions.
6. ☐ Decide whether to authorize the petition, and if so, determine if fingerprints must be taken and whether juvenile should be released (with or without conditions) or detained.
7. ☐ Advise parent, guardian, or legal custodian where additional costs or reimbursement may be assessed.
8. ☐ If the juvenile may be entitled to IV-E funding, and is removed from the home, make contrary to the welfare and reasonable efforts findings.